

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:15-CR-039-RLV-DCK-1**

UNITED STATES OF AMERICA,)
Plaintiff,)
)
vs.)
)
)
MARY S. SHERRILL,)
Defendant,)
and)
)
NORTH CAROLINA DEPARTMENT OF)
STATE TREASURER, RETIREMENT)
SYSTEMS DIVISION,)
Garnishee.)

ORDER OF CONTINUING GARNISHMENT

THIS MATTER IS BEFORE THE COURT on the Answer of North Carolina Department of the State Treasurer, Retirement Systems Division (Document No. 32), as the Garnishee. On February 9, 2016, the Honorable Richard L. Voorhees sentenced the Defendant to three years' probation for conviction of Theft by State Employee at Program Receiving Federal Funds in violation of 18 U.S.C. § 666(a)(1)(A). Judgment in the criminal case was filed on February 12, 2016 (Document No. 21). As part of that Judgment, the Defendant was ordered to pay an assessment of \$100 and restitution of \$179,572.33 to the victim of the crime. Id.

On June 10, 2021, the Court entered a Writ of Continuing Garnishment ("Writ") (Document No. 29) to the Garnishee, North Carolina Department of State Treasurer, Retirement Systems Division. The United States is entitled to a wage garnishment of up to twenty-five percent of net income and has satisfied the prerequisites set forth in 15 U.S.C. § 1673. The Garnishee was served with the Writ on June 21, 2021. The Defendant was served with the Writ and Instructions

notifying her of her right to request a hearing on June 29, 2021. The Garnishee filed an Answer on June 24, 2021 (Document No. 32) stating that at the time of the service of the Writ, the Garnishee had in its custody, control or possession property or funds owned by the Defendant, including non-exempt, disposable earnings.

IT IS, THEREFORE, ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$169,536.91, computed through June 9, 2021. The Garnishee will pay the United States up to twenty-five percent of the Defendant's net earnings which remain after all deductions required by law have been withheld, and the Garnishee will continue said payments until the debt to the Plaintiff is paid in full, or until the Garnishee no longer has custody, possession or control of any property belonging to the Defendant, or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW5:15-CR-39.

IT IS FURTHER ORDERED that the Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: July 22, 2021



David C. Keesler
United States Magistrate Judge

